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Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

William Winters,  Plaintiff,  vs.  Orion Homes, LLC,  Defendant.	No.  <b>COMPLAINT</b> (Wrongful Discharge in Violation of A.R.S. §23-1501; Violation of the Anti-Retaliation Provisions of False Claims Act, 31 U.S.C. 3730)  <i>Jury Trial Demanded</i>
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Plaintiff alleges:

**First Claim: Violation of AEP, A.R.S. §23-1501  
(Wrongful Termination)**

1. Plaintiff is a resident of Maricopa County, Arizona.
2. Defendant is an Arizona company with its principal place of business in Maricopa County, Arizona.
3. The events giving rise to this cause of action occurred in Maricopa County, Arizona.
4. Plaintiff received a performance evaluation after 90 days judging him satisfactory, very good and superior.

1           5.       Plaintiff was employed as a manager on or about August 28, 2019, and during  
2 his employment, at various times, Plaintiff brought to the Defendant's attention fraudulent  
3 activity being committed by employees in violation of Arizona statutes, and more  
4 importantly Plaintiff's unwillingness to participate in the illegal activities; to wit:

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6           A.       During his employment Plaintiff complaint intermittently to HR  
7 and his supervisor shortly after being hired and thereafter about fraudulent audit  
8 schedules and 1:1 ratios (the 1:1 was being billed, but not followed and the  
9 schedules were posted, but were not accurate);

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11           B.       On or about February 15, 2019, Plaintiff complained via website  
12 to the Division of Development Disorders about Medicaid fraud ((*e.g.*, charging  
13 Medicaid clients 1:1 rates for care they did not receive) and abuse by false audit  
14 schedules being mailed to Plaintiff and requesting him to post them;

15  
16           C.       On or about February 19, 2019, Plaintiff complained to Linda  
17 Watson, DDD Corporate Compliance, by email that audit schedules which  
18 Plaintiff was told to post were a fraud on state licensing;

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20           D.       On or about February 22, 2019, Plaintiff contacted the Arizona  
21 Attorney General's office to ascertain which regulations were being violated; and,

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23           E.       By email dated February 26, 2019, Plaintiff complained to  
24 Defendant's CEO that he was displeased with the duty to lie and defraud state  
25 Regulators, and reiterating that he had been very vocal about the fraudulent  
26 activities previously.

27  
28           6.       As a direct and proximate result of revealing the illegal activity, on or about

1 February 26, 2019, shortly after receiving Plaintiff's email complaining about fraud,  
2 Plaintiff was wrongfully terminated in violation of A.R.S. §23-1501.

3 7. The termination of Plaintiff by Defendant was in violation of the fraud  
4 Statutes of the State of Arizona (including, but not limited to A.R.S. §§13-2301(A)(2),  
5 13-2310(A), 13-2407(A)(3), 36-2918(2), 13-1802, 36-2957, and 13-2006) and involved a  
6 complaint about fraud regarding Defendant's false claims being made to state and  
7 federal Medicare/Medicaid.  
8

9  
10 8. Defendant's conduct was wanton, willful and malicious, warranting punitive  
11 damages.

12 WHEREFORE, Plaintiff requests:  
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14 1. That he be awarded damages in an amount to be determined at trial, including  
15 back pay, and that he be reinstated;

16 2. That he be awarded damages for emotional distress, pain and suffering;

17 3. That he be awarded punitive damages; and,  
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19 4. That he be awarded such other relief as this Court deems appropriate.  
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21 **Second Claim: Violation of the Anti-Retaliation**  
22 **Provisions of the False Claims Act, 31 U.S.C. §3730**

23 1. The preceding allegations of this Complaint are incorporated by reference  
24 herein as though fully set forth.

25 2. Defendant's termination of Plaintiff was in retaliation for his bringing to  
26 Defendant's attention the false claim being made by Defendant and Plaintiff's  
27 unwillingness to participate in it.  
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1           3.       Plaintiff was protected under the False Claims Act, 31 U.S.C. §3730  
2 because he had a good faith belief that fraud was being committed when he reported the  
3 fraud being perpetrated.  
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5           4.       The discharge of Plaintiff was in retaliation for reporting the false claim.

6           5.       Plaintiff has been damaged by Defendant's wrongful termination of him.

7       WHEREFORE Plaintiff requests:  
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9           1.       Damages in an amount to be determined at trial;

10          2.       Reinstatement;

11          3.       Double the amount of back-pay pursuant to statute with interest thereon;

12          4.       Attorneys' fees and costs pursuant to statute; and,  
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14          5.       Such other relief as this Court deems appropriate.

15       DATED this 24<sup>th</sup> day of April, 2019.  
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17                               /s/ Guy D. Knoller  
18                               Guy D. Knoller  
19                               Attorney for Plaintiff  
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